

# State of South Dakota

## SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

883J0635

### SENATE ENGROSSED NO. **HB 1142** - 02/18/2004

Introduced by: Representative Madsen and Senator Knudson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the election of the  
2 venue for an administrative appeal.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-26-31.1 be amended to read as follows:

5 1-26-31.1. The venue of the appeal is as follows:

6 (1) If the appellant is a resident of this state, to the circuit court for the county of ~~his~~ the  
7 appellant's residence or to the circuit court for Hughes County, as ~~he~~ the appellant  
8 may elect;

9 (2) If the appellant is a nonresident or a foreign corporation, to the circuit court for the  
10 county of appellant's principal place of business in South Dakota or to the circuit  
11 court for Hughes County as the appellant may elect; or

12 (3) The parties may stipulate for venue in any county in the state, and the circuit court  
13 for such county shall thereupon hear the appeal.

14 Appeals from a single administrative action may not proceed in more than one county. If  
15 multiple appeals of a single action are filed in more than one county, the appeals shall be  
16 consolidated and heard in the county in which the appeal is first filed. If more than one appeal



- 1 is first filed on the same date and a stipulation among the parties as to venue cannot be reached,
- 2 the venue of the appeal is in the circuit court for Hughes County.